

12CF/BYV
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerard Francis Barry et al.

Serial No.: 09/464,099

Filed: December 16, 1999

For: ANTIBODY IMMUNOREACTIVE WITH
A 5-ENOLPYRUVYLSHIKIMATE-3-
PHOSPHATE SYNTHASE

Group Art Unit: 1644

Examiner: M. Belyavskiy

Atty. Dkt. No.: 11899.0175.DVUS01

**REQUEST FOR CONTINUED
EXAMINATION UNDER 37 C.F.R. § 1.114**

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Sir:

This is a request for continuing examination under 37 CFR § 1.114 of copending prior patent application Serial No. 09/464,099, filed December 16, 1999, titled "Antibody Immunoreactive With A 5-Enolpyruvylshikimate-3-Phosphate Synthase."

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

- ☐ 1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ 2. A Preliminary Amendment is enclosed.

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- ☐ 3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- ☐ (a) **DELETE** the following inventor(s) named in the prior non-provisional application:
- ☐ (b) The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ 4. A Power of Attorney is enclosed.
- ☒ 5. A Supplemental Information Disclosure Statement (IDS) is enclosed.
- ☒ (a) PTO-1449.
- ☒ (b) Copies of IDS citations.
- ☒ 6. Please charge all fees related to this filing including the basic filing fee, search fee and examination fee (\$1000) to Deposit Account No. 01-2508/11899.0175.DVUS01/WAA.
- ☒ 7. Should any additional fees be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Deposit Account No. 01-2508/11899.0175.DVUS01.
- ☒ 8. This application is a divisional application of U.S. patent application Serial No. 09/137,440, filed August 20, 1998, now U.S. Patent No. 6,248,876, which is a continuation of U.S. patent application Serial Number 08/833,485, filed April 7, 1997, now U.S. Patent No. 5,804,425, which is a continuation of U.S. patent application Serial No. 08/306,063, filed September 13, 1994, now U.S. Patent No. 5,633,435, which is a continuation-in-part of U.S. patent application Serial No. 07/749,611, filed August 28, 1991, now abandoned, which is a continuation-in-part of U.S. patent application Serial No. 07/576,537, filed August 31, 1990, now abandoned.

- ☒ 9. Address all future communications to:

Janelle D. Waack
HOWREY LLP
750 Bering Drive
Houston, Texas 77057
(713) 787-1400

- ☐ 10. Other: _____.

- ☒ 11. Return Receipt Postcard.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file jacket of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file jacket, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file jacket.

Respectfully submitted,

Customer No. 27552


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Date: June 10, 2005



Janelle D. Waack
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Attorney for Assignee
MONSANTO TECHNOLOGY LLC

CERTIFICATE OF EXPRESS MAILING	
NUMBER: EL 831853915 US	
DATE OF DEPOSIT	June 10, 2005
I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
June 10, 2005	 Signature